

K-2825.2
M668
2004 JUNE 30

ADVISORY COMMITTEE ON ROCK CRUSHERS & QUARRIES

Wednesday, June 30, 2004

9:00 a.m.

Capitol Extension E1.012

Pursuant to a notice posted June 22, 2004, a public hearing of the Advisory Committee on Rock Crushers and Quarries was held on Wednesday, June 30, 2004, in the Capitol Extension, Room E1.012, at Austin, Texas.

MEMBERS PRESENT:

Senator Troy Fraser, Chairman
Senator Ken Armbrister
Senator Frank Madla
Representative Dennis Bonnen
Representative Byron Cook
Representative Edmund Kuempel
Commissioner James Oakley
John Weisman
John Lattimore Jr.

MEMBERS ABSENT:

None

Senator Troy Fraser, Chairman, called the Advisory Committee on Rock Crushers and Quarries to order at 9:07 a.m. There being a quorum present, the following business was transacted. Senator Craig Estes was also present and participated in the hearing.

Chairman Fraser called the first invited witness, Tom Ransdell, Chairman of the Texas Aggregate and Concrete Association. Mr. Ransdell gave an overview of the Aggregates Industry, and described how the economics associated with the industry are closely tied to Texas' quality of life and economic future.

Upon completion of Mr. Ransdell's testimony, the Chairman called Dr. Ray Perryman, representing The Perryman Group. Dr. Perryman testified on the study he prepared for the Texas Aggregates and Concrete Association. The study provided information on the assessment of the aggregates and concrete industry groups. The current economic impact of the segments was quantified, as well as the importance of such activities to other aspects of the economy. In addition, the effect of proposed expansion of aggregates quarrying operation was examined.

Following Dr. Ray Perryman's testimony, Chairman Fraser called Robert Lanham, representing Associated General Contractors. Mr. Lanham testified on the diversity of the industry and gave an overview of the major components.

Upon completion of Mr. Lanham's testimony Senator Estes discussed his and his district's concerns relating to the Brazos River. Chairman Fraser called Tony Goodwin representing the Brazos River Conservation Coalition. The Chairman also called Alice Walton of Mineral Wells, Texas.

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Mr. Goodwin and Ms. Walton testified on the damage to the Brazos River that has been done by rock mining along the river.

Following Mr. Goodwin's and Ms. Walton's testimony Chairman Fraser called Joe Hinton, Chairman of the Brazos River Authority (BRA), and Phil Ford, General Manager and CEO of the BRA. Chairman Hinton testified on the issue of rock mining operations in the Brazos Watershed. Mr. Ford testified on the authority of the BRA and its experience in this area.

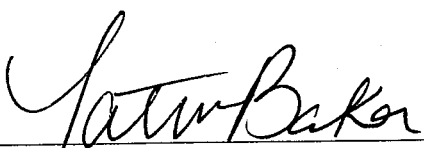
Upon completion of Chairman Hinton's and Phil Ford's testimony, Chairman Fraser called Kathleen Hartnett White, Chairman of the Texas Commission on Environmental Quality (TCEQ). Chairman White testified on the Clear Stream Initiative. Her testimony also included an assessment of the cumulative effects of rock crushers. Chairman Fraser and Chairman White discussed how TCEQ uses traffic impact in landfill permits. Chairman White agreed that TCEQ would look to see if a similar process could be used in a rock crusher permit.

Following the above invited witnesses' testimony, Chairman Fraser called for public testimony to commence, as follows:

Yvonne Pinon, representing herself, El Paso, Texas;
David Kithil, Burnet County Judge, Burnet, Texas;
John Simmons, representing himself, Burnet, Texas;
Dr. Robert Fitzgerald, President, Medina County Environmental Action Association, Hondo, Texas;
Cyrus Reed, Texas Center for Policy Studies, Austin, Texas;
Nico Hauwert, City of Austin, Austin, Texas;
Patricia de la Pena, representing herself, Buda, Texas;
Bob Butler, Butler Brick, Elgin, Texas; and
Mike O'Connor, Acme Brick, Fort Worth, Texas.

The Chairman then closed public testimony. There being no further business, at 4:10 p.m. Chairman Fraser moved that the Advisory Committee on Rock Crushers and Quarries stand recessed subject to the call of the Chairman. Without objection, it was so ordered.


Senator Troy Fraser, Chairman


Tatum Baker, Clerk

WITNESS LIST

Advisory Committee on Rock Crusher and Quarries
June 30, 2004 - 9:00 AM

Aggregate Industry

ON: Ransdell, Tom (Texas Aggregate and Concrete Association)
San Antonio, TX
Perryman, Dr. Ray Economist (Texas Aggregate and Concrete Association)
Waco, TX

Rock Crushers and Quarries

ON: Lanham, Robert (Associated General Contractors) Austin, TX
Hartnett-White, Kathleen Chairman (Texas Commission on Environmental
Quality), Austin, TX
Pinon, Yvonne (Self), El Paso, TX
Kithil, David Judge (Burnet County), Burnet, TX
Simmons, John (Self), Burnet, Texas
Fitzgerlad, Dr. Robert (Medina County Environmental Action Association)
Hondo, TX
Reed, Cyrus (Texas Center for Policy Studies), Austin, TX
Hauwert, Nico Groundwater Scientist (City of Austin), Austin, TX
de la Pena, Patricia (Self), Buda, TX

Registering, but did not testify:

ON: Baker, Sarah Attorney (Greater Edwards Aquifer Alliance), Austin, TX
Jackson, Roxanne (Self), Buda, TX
Hadden, Karen Executive Director (Sustainable Energy & Economic
Development Coalition), Austin, TX
Hironymovs, Ellen Director, Economic Development (Village of Webberville),
Webberville, TX
Kay, Charles (Self), Buda, TX
Everhart, Jane Rancher (Goodrich Ranch), Lampasas, TX
Vickery, Mark (Texas Commission on Environmental Quality), Austin, TX

AGAINST: Schneider, Richard (Self), Buda, TX

Clay Mining

ON: Butler, Bob (Butler Brick), Elgin, TX
O'Connor, Mike (Acme Brick), Fort Worth, TX

Brazos River

ON: Goodwin, Tony (Brazos River Conservation Coalition) Millsap, TX
Walton, Alice (Self) Mineral Wells, TX
Hinton, Joe Chairman (Brazos River Authority), Crawford, TX
Ford, Phil General Manager (Brazos River Authority), McGregor, TX

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MINUTES

ADVISORY COMMITTEE ON ROCK CRUSHERS & QUARRIES

Monday, March 29, 2004

10:30 a.m.

Capitol Extension E1.012

Pursuant to a notice posted March 15, 2004, a public hearing of the Advisory Committee on Rock Crushers and Quarries was held on Monday, March 29, 2004, in the Capitol Extension, Room E1.012, at Austin, Texas.

MEMBERS PRESENT:

Senator Troy Fraser, Chairman
Senator Ken Armbrister
Senator Frank Madla
Representative Dennis Bonnen
Representative Byron Cook
Commissioner James Oakley
John Weisman
John Lattimore Jr.

MEMBERS ABSENT:

Representative Edmund Kuempel

Senator Troy Fraser, Chairman, called the Advisory Committee on Rock Crushers and Quarries to order at 10:35 a.m. There being a quorum present, the following business was transacted:

The Chairman made opening remarks and asked if there were any questions regarding the rules that were provided to the members at the hearing. Chairman Fraser asked if there was any objection to the committee rules; there being none, it was so ordered.

The first invited witness, Mark Vickery, representing Texas Commission on Environmental Quality (TCEQ), was called to present his testimony. Mr. Vickery testified on permits and the public notice process. Susan Owen of TCEQ was called to respond to members' inquiries.

Upon completion of Mr. Vickery's testimony, Chairman Fraser called Amadeo Saenz from the Texas Department of Transportation to present his testimony. During Mr. Saenz' testimony, Mark Vickery was called again to respond to members' questions.

Following Amadeo Saenz's testimony, the Chairman then called the next invited witness, Lisa Hatzerbiehler, representing the Lower Colorado River Authority (LCRA). Ms. Hatzerbiehler testified on LCRA's non-point source pollution control ordinance. Fred Aus of the LCRA also testified and responded to members' questions.

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The Chairman then called the final witness, Melvin Hodgkiss representing the Texas Railroad Commission. Mr. Hodgkiss presented his testimony and responded to members' inquiries.

Chairman Fraser then thanked the public members, John Weisman of Hunter Industries Inc., in San Marcos, Vick Lattimore of Latimore Properties in McKinney, and Commissioner James Oakley of Burnett County for the expertise they are bringing to the committee. The Chairman also expressed his appreciation to the other legislative members of the committee.

There being no further business, at 2:05 p.m. Chairman Fraser moved that the Advisory Committee on Rock Crushers and Quarries stand at recess subject to the call of the Chairman. Without objection, it was so ordered.


Troy Fraser, Chairman


Tatum Baker, Clerk

WITNESS LIST

Advisory Committee on Rock Crusher and Quarries
March 29, 2004 - 10:30 AM

Texas Commission on Environmental Quality (TCEQ) jurisdiction of Rock Crushers and Quarries

ON: Vickery, Mark (Texas Commission on Environmental Quality)
Austin, TX
Owen, Susan Attorney (Texas Commission on Environmental Quality)
Austin, TX

Resource for Rock Crushers and Quarries

ON: Saenz, Amadeo Assistant Executive Director of Engineering Operations (Texas Department of Transportation) Austin, TX

Lower Colorado River Authority's Non-point Source Pollution Control Ordinance

ON: Hatzenbuehler, Lisa Manger (Lower Colorado River Authority) Austin, TX
Aus, Fred Manager, State Governmental Affairs (Lower Colorado River Authority) Austin, TX

Railroad Commission

ON: Hodgkiss, Melvin Director, Surface Mining Division (Texas Railroad Commission) Austin, TX